# MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION **OPEN MEETING MINUTES**

June 23, 2020

# This meeting was held via internet and telephone conference call.

# **Trustees Participating:**

Michael Calkins, Chair

William Allen, Vice-Chair

Jerome Klasmeier, representing Comptroller Peter Franchot

Joanna Kille, representing Treasurer Nancy Kopp

Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland

Department of Planning

Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department

of Agriculture

Catherine Cosgrove

Cricket Goodall

Robin Kable

James Weddle

Joseph Wood

J. Bruce Yerkes

#### **Trustees Absent:**

Elizabeth Hill

# Others Participating:

Michelle Cable, MALPF Executive Director

Diane Chasse, MALPF Administrator

Chana Turner, MALPF Administrator

Sarel Cousins, MALPF Administrator

Amanda Massoni, MALPF Fiscal Specialist

Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator

Robert Day, MALPF Office Secretary

Justin Hayes, Assistant Attorney General, Department of Agriculture

Patrick Martyn, Assistant Attorney General, Department of General Services

Renee Dyson, Assistant Attorney General, Department of General Services

Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture

Devyn King, Cecil County Program Administrator

Jenn Wilson, Harford County Program Staff

Mike Scheffel, Montgomery County Program Administrator

Shannon O'Neil, Frederick County Program Staff

Donna K. Landis-Smith, Queen Anne's County Program Administrator

Billy Gorksi, Anne Arundel County Program Staff

Bill Beach, DGS Appraiser

Dave Kelleher, DGS Appraiser

Darryl Andrews, DGS Appraiser

Julie Enger, DGS Appraiser

Will Lefort, DGS Appraiser

Mr. Calkins, Chair, called the meeting to order at 9:03 a.m. via internet and telephone conference call. Ms. Cable stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.

#### I. APPROVAL OF MINUTES

A. Approval of Open Minutes from May 26, 2020.

Motion #1:

To approve minutes from May 26, 2020.

Motion:

Wood

Second:

Weddle

Status:

Approved

# II. ADDITION OF AGENDA ITEMS

Ms. Cable referenced the two additional items that were added to the agenda via email the previous week. No additional items added.

#### II. ANNOUNCEMENTS

Ms. Cable thanked all the attendees for participating in the MALPF teleconference Board meeting. Ms. Cable asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. Ms. Cable also reminded the Board members that when motions were made, Board members only needed to state their names if they were voting in opposition to the motion, rather than saying "aye" to vote in favor of a motion.

Ms. Cable stated that FY21 applications have already started being submitted, with the due date on July 1<sup>st</sup>. She also informed the Board that the MALPF audit was still ongoing, with the auditor moving on to review "test cases" for monitoring as well as active violations management.

Finally, Ms. Cable extended very heartfelt appreciation of all the contributions that Michael Calkins provided as part of the MALPF Board through his 8 years as a member, then Vice Chair, and ultimately Chairman. Mr. Calkins' term on the Board ends June 30<sup>th</sup>, and he will be missed.

## IV. EASEMENT AMENDMENTS

# A. HARFORD COUNTY

1. File #12-91-04

Normandy Farm, LLC

~152.96 acres

#### Request - Harford County:

Request approval to agriculturally divide the easement property to create a ~95-acre parcel (Parcel 1), and a ~57-acre parcel (Parcel 2).

#### Recommendation:

Staff recommends approval, subject to completing the Corrective Easements including

- 1) Providing a survey plat depicting the divided parcels, along with separate metes and bounds perimeter descriptions of the divided parcels; and
- 2) A provision waiving all rights to request termination of the easement (per COMAR 15.15.12.04 B).

Ms. Chasse introduced the item. Ms. Wilson was available for questions.

Motion #2:

To approve an agricultural subdivision of the easement property

to create a ~95-acre parcel (Parcel 1), and a ~57-acre parcel

(Parcel 2).

Motion:

Allen

Second:

Klasmeier

Status:

Approved

2. File#12-91-10A

Department of Natural Resources

~20.86 acres

Request - Harford County:

Request re-approval of a request to designate a one acre non-subdividable area around an existing dwelling.

Recommendation:

Staff recommends re-approval subject to recording an Overlay Easement on the 20.86 acre portion, which will describe the one-acre building envelope and extinguish the right to request termination. The Overlay Easement shall be subject to review and approval by the MALPF Assistant Attorney General.

Ms. Chasse introduced the item. Ms. Wilson was available for questions. The previous approval had expired as approvals for Corrective Easements are only valid for 3 years.

Motion #3:

To re-approve the designation of a one acre non-subdividable

area around an existing dwelling, incorporating Staff

recommendations.

Motion:

Klasmeier

Second:

Kille

Status:

Approved

#### B. BALTIMORE COUNTY

1. File #03-87-24

Wisner Farm, Inc.

~180 acres

2. File #03-83-09

Dubel, David H. & Mary

~118 acres

Request - Baltimore County:

Two requests for 5-year extensions to the validity of the preliminary releases for family lots.

#### Recommendation:

Under COMAR 15.15.06.05.B.2, Staff recommends approval for the extensions.

Ms. Turner introduced the item.

Motion #4:

To approve a 5-year extension to the validity of the preliminary

release for Larry Wisner's child lot.

Motion:

Herr-Cornwell

Second:

Klasmeier

Status:

Motion #5:

Approved

To approve a 5-year extension to the validity of the preliminary

release for Michael Dubel's child lot.

Motion: Status: Weddle Approved

Second:

Wood

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C.

FREDERICK COUNTY

1. File #10-02-08

Manahan, Mark & Tamara

~84.48 acres

Request - Frederick County:

Request approval of a relocation of a pre-existing dwelling.

Recommendation:

Staff recommends approval. The owners have agreed to make the relocated pre-existing dwelling non-subdividable. Approval is subject to the completion of an Amendment that will document the new location and make the house non-subdividable from the farm. The Amendment will also describe the terms and conditions of the Foundation's approval for the dwelling relocation per COMAR 15.15.04.05.

Ms. Chasse introduced the item. Ms. O'Neil was available to address any questions. The easement has federal funding and will require federal (NRCS) approval.

Motion #6:

To approve the relocation of a pre-existing dwelling, incorporating

Staff recommendations

Motion:

Herr-Cornwell

Second:

Wood

Status:

Approved

2. File #10-93-01B

Frey Family, LLC

~140.08 acres

## Request - Frederick County:

Follow-up request regarding previously approved Stream Restoration Overlay Easement.

### Recommendation:

Following its review of the recommendations of the Office of Resource Conservation, as contemplated by the initial Foundation Board approval of the Stream Restoration Overlay Easement request on May 26, 2020, Staff recommends that, as an additional condition to the Foundation Board's approval of the overlay easement, landowner enter into an Amendment to the Foundation Deed of Easement which provides that failure to comply with the recommendations from the Office of Resource Conservation will constitute a breach of the easement entitling the Foundation to pursue its remedies under the Easement.

Ms. Chasse introduced the item. Ms. O'Neil was available to address any questions.

Motion #7:

To approve an additional Staff recommended condition of an Amendment to the Deed of Easement, to be included in the original approval of the Stream Restoration Overlay Easement.

Motion:

Wood

Second:

Klasmeier

Status:

Approved

### D. QUEEN ANNE'S COUNTY

1. File #17-87-04

Sultenfuss, Mark

~179.95 acres

# Request - Queen Anne's County:

Request to approve up to a 2-acre lot from the easement for child's lot for son, Luke.

# Recommendation:

Staff recommends review, due to concern about the location of the lot.

Ms. Chasse introduced the item. Ms. Landis-Smith was available for questions. The Board asked about the location of the proposed lot in respect to the physical aspects of the property, as well as whether or not the lot would be non-subdividable or a standard family lot release. Ms. Chasse and Ms. Landis-Smith stated that the lot would be fully released and allowed to be subdivided from the farm, with Ms. Landis-Smith providing clarification of the conditions of the property.

Motion #8:

To approve up to a 2-acre lot from the easement as a child's lot for Luke Sultenfuss, in the location requested by the landowner.

Motion:

Allen

Second:

Kille

Status:

Approved

#### E. ANNE ARUNDEL COUNTY

1. File #02-83-03ex1s

Dicky, Joseph & Blaxall, Martha

~27 acres

Request - Anne Arundel County:

Due to expiration of a prior Board approval, request re-approval of a 2015 request to rescind an agricultural subdivision that was approved in 1990.

Recommendation:

Staff recommends re-approval subject to recording a corrective easement that will document that the subdivision is rescinded and the parcels recombined, and will also document extinguishment of the right to request termination of the easement.

Ms. Turner introduced the item. Mr. Gorski was available for any questions.

Motion #9:

To re-approve the 2015 approval to rescind an agricultural

subdivision, incorporating Staff recommendation of a

corrective easement.

Motion:

Weddle

Second:

Herr-Cornwell

Status: Approved

# V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

#### VI. PROGRAM POLICY

A. Appraisal Law

# Request:

Staff requests review and approval of the policy.

# Recommendation:

Staff recommends approval.

Ms. Chasse and Ms. Cable presented the item. Mr. Beach, lead DGS appraiser, informed the Board that the appraisers support the policy as drafted to implement the recently approved law.

Motion #10:

To approve the policy as presented to implement the appraisal

law that was passed during the 2020 legislative session.

Motion:

Herr-Cornwell

Second:

Weddle

Status

Approved

# B. Washington County Recertification

Recommendation:

Washington County's land preservation program complies with the requirements under COMAR 34.03.03 and has proven to be consistently effective; therefore, MALPF staff recommend, and MDP has approved, recertification for Fiscal Years 2021 through 2025, 2022, 2023 (July 1, 2020 – June 30, 2025).

Ms. Cousins presented the item. Ms. Herr-Cornwell provided the Department of Planning's agreement and recommended approval.

Motion #11:

To approve the Re-Certification request from Washington County

land preservation program under COMAR 34.03.03.

Motion: Status: Klasmeier Approved Second:

Weddle

#### VII. INFORMATION AND DISCUSSION

N/A

#### VIII. CLOSED SESSION

Mr. Calkins asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the applicable provisions of General Provisions Article Section 3-305 (b): (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; (7) to consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion #13:

To adjourn the regular session at 9:51 a.m. to move into a closed session to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; to consult with counsel to obtain legal advice; and to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Allen

Second: Herr-Cornwell

Status:

Approved

The Closed Meeting of the Board was held from 10:04 a.m. to 10:10 a.m. on June 23, 2020 via internet and telephone conference call, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

- (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition;
- (7) to consult with counsel to obtain legal advice; and
- (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

During the Closed Meeting, the following Board members were present: Michael Calkins, Chair, William Allen, Vice-Chair, Jerome Klasmeier, representing Comptroller Peter Franchot, Joanna Kille, representing Treasurer Nancy Kopp, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Cricket Goodall, Catherine Cosgrove, Robin Kable, Jim Weddle, and J. Bruce Yerkes.

The following Board members were absent: Elizabeth Hill and Joseph Wood

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Diane Chasse, Chana Turner, Sarel Cousins, Kim Hoxter, Amanda Massoni, Robert Day, Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn, Assistant Attorney General, Maryland Department of General Services and Renee Dyson, Assistant Attorney General, Maryland Department of General Services.

# TOPICS DISCUSSED:

- A. Approval of May 26, 2020, Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY 2020 Offers

Respectfully Submitted: